

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

Gates, 16-cv-0400-JNE-DTS
Dinkins, 16-cv-1778-JNE-DTS
Tate, 16-cv-1846-JNE-DTS
Lowe, 16-cv-2304-JNE-DTS
Strickland, 16-cv-4355-JNE-DTS
Beamon, 17-cv-0141-JNE-DTS
Gochanour, 17-cv-2168-JNE-DTS
McConnell, 17-cv-3222-JNE-DTS
Weeks, 17-cv-4527-JNE-DTS
Kazogles, 19-cv-0017-JNE-DTS

**DEFENDANTS' SEVENTH
MOTION TO DISMISS FOR
FAILURE TO COMPLY WITH
PRETRIAL ORDER NO. 23 AND
FED. R. CIV. P. 41(B) OR FOR
LACK OF STANDING**

Pursuant to Pretrial Order No. 23 and Federal Rules of Procedure, Defendants 3M Company (“3M”) and Arizant Healthcare Inc. (“Arizant”) (collectively, “Defendants”) respectfully move the Court to dismiss the following actions—without prejudice Mr. Kazogles and with prejudice for the rest of the cases—for failure to comply with Pretrial Order No. 23 and Fed. R. Civ. P. 41(b), or for lack of standing:

Case Number	Title	Firm Name
16-cv-0400-JNE-DTS	Gates v. 3M Co., et al.	Farr, Farr, Emerich, Hackett, Carr & Holmes, P.A.
16-cv-1778-JNE-DTS	Dinkins v. 3M Co., et al.	Kirtland and Packard LLP
16-cv-1846-JNE-DTS	Tate v. 3M Co., et al.	Kennedy Hodges, LLP

16-cv-2304-JNE-DTS	Lowe v. 3M Co., et al.	Davis & Crump, PC
16-cv-4355-JNE-DTS	Strickland v. 3M Co., et al.	McGlynn, Glisson & Mouton
17-cv-0141-JNE-DTS	Beamon v. 3M Co., et al.	Goldenberg Law, PLLC
17-cv-2168-JNE-DTS	Gochanour v. 3M Co., et al.	Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA
17-cv-3222-JNE-DTS	McConnell v. 3M Co., et al.	Brown and Crouppen, P.C.
17-cv-4527-JNE-DTS	Weeks v. 3M Co., et al.	Kennedy Hodges, LLP
19-cv-0017-JNE-DTS	Kazogles et al. v. 3M Co., et al.	Schlichter, Bogard, Denton, LLP

As set forth in the Memorandum in Support of Defendants' Seventh Motion to Dismiss Cases for Failure to Comply with Pretrial Order No. 23 and Fed. R. Civ. P. 41(b), or For Lack of Standing, the above-referenced 10 matters have failed to meet the requirements of this Court's Order and the federal rules, and dismissal is appropriate—without prejudice for Mr. Kazogles, and with prejudice for the remaining cases.

Dated: March 7, 2019

Respectfully submitted,

s/Benjamin W. Hulse

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